

plurality of second remote terminal devices *in a dedicated mode* using the same overlapping time slot within one of a plurality of channels.

The Advisory Action refers to a passage in the Carneal patent (US 6,847,626):

In some cases, a remote unit transmits predictable data as well as a more unpredictable stream of data. For example, a remote unit may transmit concurrently both a predictable rate voice signal and an unpredictable data signal. In such a case, the remote unit can add the amount of predicted resources to the payload indication sent over the reserved block transmission. For example, if the remote unit has five data packets to transmit and can predict that it will have two additional voice packets to transmit, the remote unit transmits the five data packets over the contention-type resource and transmits a corresponding message over the reserved block indicating that seven data packets are being transmitted. The hub station receives the reserved block transmission and the five data packets and schedules a sufficient non-contention resource to transmit the remaining two packets. (Emphasis added)

In contrast to the position asserted, Carneal does not teach or suggest using the resource for *both* contention (random access mode) and non-contention (dedicated access mode) *at the same time*. Instead, data packets are split so that some packets are transmitted over a contention-type resource and the remaining packets are then *scheduled to be sent* over a non-contention resource. As well known to those skilled in the art, "non-contention resource" means the packets cannot collide. It is therefore very apparent to one skilled in the art that the contention-type transmission and non-contention-type transmission are not being sent at the same time.

In the instant claims, the "dedicated" packet *can collide* with a "random access" packet, as they may transmit at the *same* time-slot and channel *simultaneously*. The access benefit comes from the fact that a dedicated packet can collide with a random-access packet.

Carneal simply does not teach or suggest this overlap of dedicated access communication (burst) with random access communication (burst.) Instead, Carneal transmits five packets and then "*schedules a sufficient non-contention resource to transmit the remaining two packets...*" This means that these scheduled packets cannot collide.

There is simply no motivation to alter Carneal to send a dedicated packet and a random access packet at the same time over the same channel as it would be contrary of the intent to send

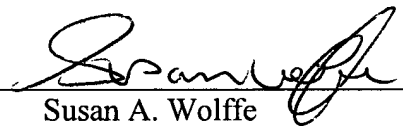
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the packets over a non-contention resource. Carneal does not teach or suggest the instant claims and withdrawal of the instant rejections is requested.

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

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